

NORTH CAROLINA'S RECREATIONAL TRAILS PROGRAM GRANT



GENERAL INFORMATION

North Carolina Division of Parks and Recreation
State Trails Program

****Disclaimer:** RTP Grant Information produced by the NC DPR-State Trails Program is guidance. This document can be updated/changed at any time pending review/comment from the Federal Highway Administration.*

FEDERAL ENABLING LEGISLATION -RECREATIONAL TRAILS PROGRAM

The RTP is a federal grant program authorized by Congress in 2010 as the Moving Ahead for Progress in the 21st Century Act (MAP-21). This authorization provided funding for the RTP through the 2016 fiscal year.

The intent of the RTP is to help fund trails and trail-related recreational needs at the State level. Funding for the RTP comes from federal gas taxes paid on non-highway fuel used in off-highway vehicles. The program is administered at the Federal level by the Federal Highway Administration (FHWA). At the State level, the Secretary of the Department of Environment and Natural Resources (DENR) has assigned that responsibility to the Division of Parks and Recreation - State Trails Program. The North Carolina Trails Committee (NCTC) is a seven-member advisory committee who reviews all applications and makes recommendations for funding to the Secretary. The Secretary of DENR has the final approval authority for North Carolina.

FEDERAL HIGHWAY ADMINISTRATION/RECREATIONAL TRAILS PROGRAM WEBSITE AND PROGRAM INFORMATION

For more information about the Recreational Trails Program, visit the Federal Highway Administration's website: <http://www.fhwa.dot.gov/environment/rectrails/index.htm>. This site includes information about enabling legislation, program guidelines, and funding authorization.

FEDERAL DEFINITION OF TRAIL

Section 206 of the Recreational Trails Program Legislation provides the following definitions for Motorized Recreation and Recreational Trail:

MOTORIZED RECREATION --The term "motorized recreation" means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

RECREATIONAL TRAIL --The term "recreational trail" means a thoroughfare or track across land, water or snow, used for recreational purposes such as:

- Pedestrian activities, including wheelchair use
- Skating or skateboarding
- Equestrian activities, including carriage driving
- Non-motorized snow trail activities, including skiing

- Bicycling or use of other human powered vehicles
- Aquatic or water activities
- Motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles

PERMITTED USES OF RTP GRANT FUNDS

- Development of urban trail linkages
- Maintenance of existing recreational trails
- Restoration of areas damaged by usage of recreational trails and back country terrain
- Development of trail-side and trail-head facilities with preference for trail-head and trail information signs and parking areas; and consideration given to **restrooms, drinking fountains, and other trail side facilities**
- Development of a canoe/kayak access facilities and camping platforms
- Provision of features which facilitate the access and use of trails by persons with disabilities
- Acquisition of easements for trails
- Acquisition of fee-simple title to property from a willing seller for trail use, when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means

Note: RTP guidance prohibits condemnation of any kind of interest in property and you must follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 – 49 CFR Part 24

- Construction of new trails on state, county, municipal, or conveyed easements across private lands, where a recreational need for such construction is shown
- Construction of new trails crossing federal lands, where such construction is approved by the administering agency charged with management of all impacted lands
- Planning, design, engineering, permitting, and environmental compliance study costs of up to 10% of any RTP grant award
- Acquisition of trail construction and maintenance tools and/or equipment
- Rental of trail construction and maintenance tools and equipment

NON-PERMITTED USES OF RTP GRANT FUNDS

- Trail brochures and maps
- Condemnation of any kind of interest in property
- Construction of any recreational trail on National Forest System lands for motorized uses unless such lands (other than wilderness areas) are otherwise consistent with the management direction in such approved land and resource management plan

- Upgrading, expanding or otherwise facilitating motorized use or access to trails predominantly used by non-motorized trail users, and on which, as of May 1, 1991, motorized use is either prohibited or has not occurred
- Feasibility Studies
- Law Enforcement
- Railroads
- Roads
- Sidewalks
- Wilderness areas
- Construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land has been designated for uses other than wilderness by an approved BLM resource management plan or has been released to uses other than wilderness by an Act of Congress; and the construction is otherwise consistent with the management direction in the approved management plan.

FEDERAL RTP ALLOCATION REQUIREMENTS

- 30% Reserved for Motorized Trails
Not less than 30% of the State's allocation must be reserved for uses relating to motorized recreation. This includes motorized single use projects and motorized diverse use projects.
- 30% Reserved for Non-Motorized Trails
Not less than 30% of the State's allocation will be reserved for uses relating to non-motorized recreation. This includes non-motorized projects for a single use and non-motorized diverse use projects.
- 40% Diverse Use Projects
40% of the State's allocation is discretionary funding, but preference will be given to projects with the greatest number of compatible recreational purposes or that provide for innovative recreational trail corridor sharing to accommodate motorized and non-motorized recreational trail use.

FEDERAL MATCH REQUIREMENTS

The Federal RTP is a 75/25 matching grant program. For every RTP dollar received, the grantee must provide the required 25% match. This 25% match must come from a non-FHWA source in the form of cash, force labor services, in-kind services, donated materials, or the value of acquired or donated land for this specific trail project.

APPROVED IN-KIND AND FORCE ACCOUNT LABOR MATCH ALLOWANCES

RTP applicants are allowed to use In-Kind and Force Account Labor services as all or some portion of their required 25% match. The services provided must be performed to assist with or support the project that will be accomplished with approved RTP grant funds. Each listed In-Kind and/or Force Labor match must reference a specific deliverable. Proof of donation/gift must be provided and value of the donation documented on official letterhead with the date of donation.

Allowable in-kind services are:

General Volunteer Labor

- 17 years and up – labor valued at \$21.47 per hour as noted by the Independentsector.org at http://www.independentsector.org/volunteer_time
- 16 years and under – labor valued at \$7.25 per hour, North Carolina's Minimum Wage

Skilled Volunteer Labor and/or Services

- Skilled volunteer labor – valued at the fair market rate, equal to what the individual is normally paid for such service; documentation of labor and value of labor is required.

Donated Equipment and Operator

- Donated Equipment and Operator – equipment and labor valued at the fair market rate, equal to what the individual is normally paid for such service, documentation of gift and value required.

Donated Materials

- Donated Materials – valued at the fair market value of any materials from the person or persons donating the materials, documentation of gift and value required.

Project Planning and Environmental Compliance Costs

- Project Planning and Environmental Compliance Services – The donation of professional or accredited planning and environmental compliance services will be valued at the fair market value, documentation of gift and value required. These services are limited to costs incurred less than 18 months prior to or after the RTP grant contract document is fully executed. This service must apply specifically to guidance or support of the project that will be accomplished with approved RTP funds.

Land Donated for this Trail Project

- Land donated to a governmental agency or a non-profit organization for public trail – valued at the appraised value of the donation. The donation of land must have taken place less than 18 months prior to or after the RTP grant contract document is fully executed.

Note: *The donation of land or interest in land must be for a minimum of 10 years with no cancelation clauses.*

Allowable force account services are:

Agency or Organization's Paid Labor

- Use of Agency or Organization's paid labor to accomplish approved RTP deliverables – valued at the current hourly rate of pay for employee labor per hours worked for the associated deliverable.

Agency or Organization Owned or Leased Equipment

- Use of Agency or Organization Owned or Leased Equipment to Accomplish Approved RTP Deliverables – valued according to the federally approved Federal Emergency Management Agencies (FSMA) equipment rates – information provided on the following website: <http://www.fema.gov/schedule-equipment-rates>.

Value of Land Acquired by an Agency or Organization

- Value of Land Acquired by an Agency or Organization for this Specific Trail Project – valued at the price paid by the agency or organization for the land. This acquisition of land must have taken place less than 18 months prior to or after the RTP grant contract document is fully executed.

Note: *The acquisition of land or interest in land must be for a minimum of 10 years with no cancelation clauses.*

GUIDANCE FOR FORMATTING DELIVERABLES

Deliverables:

- Under "Item" on the final RTP application, each deliverable shall be listed in one of the following categories (a-f):
 - (a) Routine maintenance of trail and/or structures (within existing trail corridor and tread)

- i. Clearing trail corridor of vegetation and/or hazard tree removal
- ii. Re-grading and/or de-berming native surface trail
- iii. Filling and/or armoring low or wet areas in trail tread (with native or imported material)
- iv. Maintaining, repairing or replacing drainage structures (culverts, rolling grade dips, silt traps, ditches, etc.)
- v. Maintaining, repairing or replacing trail structures (bridges, steps, crib walls, armored crossings, etc.)
- vi. Maintaining, repairing or replacing engineered surface (aggregate, asphalt, concrete, pavers, etc.)
- vii. Light trail rehabilitation (closure of informal/social trails by blocking with natural organic materials – no soil disturbance)

(b) Major maintenance of trail and/or structures

- i. Trail Reroutes
- ii. Road to trail conversion
- iii. Installing new drainage structures in existing trail corridor and tread (culverts, rolling dips, silt traps, ditches, etc.)
- iv. Installing new trail structures in existing trail corridor and tread (bridges, steps, crib walls, armored crossings, etc.)
- v. Installing new engineered surface in existing trail corridor and tread (aggregate, asphalt, concrete, pavers, etc.)
- vi. Heavy trail rehabilitation (permanent closure with re-contouring, removal of culverts, soil disturbance, tread scarification, etc.)

(c) New construction of trail and/or structures

- i. Constructing new trail with native surface and associated drainage structures
- ii. Constructing new trail with engineered surface (aggregate, asphalt, concrete, pavers, etc.)
- iii. Installing trail structures in new location (bridges, steps, crib walls, armored crossings, etc.)

(d) Renovation or maintenance of trail support facilities

- i. Re-surfacing parking areas (aggregate, asphalt, concrete, pavers, etc.)
- ii. Maintenance of trail support facilities (repair/replace roof, painting, vault toilet pumping, etc.)
- iii. Maintenance of trailhead access roads (re-grading, re-surfacing, cleaning drainage structures, etc.)
- iv. Renovation of other trail support facilities

(e) New construction of trail support facilities

- i. Construction of new trail head parking areas
- ii. Construction/installation of new restrooms, picnic shelters, etc.

- iii. Installation of other support facility amenities (wells, water hydrants, lighting, utilities, grills, etc.)
 - iv. Construction of new canoe/kayak launches
- (f) Information kiosks, signage, and trail blazes
 - i. Maintain, repair, replace or install new trail head information kiosks and/or signs
 - ii. Maintain, repair, replace or install new trail directional signs, Carsonite posts, and/or blazes
 - iii. Maintain, repair, replace or install new trail interpretive signs
- Under “Description”, the applicant shall state the specific sub-category (i-vi) and how each deliverable is to be accomplished:
 - 1. Contract
 - 2. In-house
 - 3. Volunteers
 - 4. Combination
- Deliverables Included in Category (a) shall be quantified simply by the # of linear feet to receive routine trail maintenance - and define cost estimates in terms of \$ per foot and how you arrived at this price estimate. Specific sub-categories (i. - vii.) to be accomplished should be described, but not quantified. For example, if requesting funds for contracted routine maintenance of trail and/or structures, the “Item” would be “Routine Trail Maintenance” and the Description should include “Contracted routine trail maintenance to include clearing corridor of vegetation, regrading of trail surface, and cleaning out water diversion structures – 5 miles”.
- Deliverables Included in ALL OTHER Categories (b. - f.) - Each specific sub-category to be accomplished under ALL OTHER categories shall be specifically defined in terms of quantity and final outcomes (dimensions of work – width, length, materials, etc.). Define cost estimates per sub-category and how you arrived at this price estimate.
- Deliverables that Include Tools and/or Materials shall also be described in one or more of the categories and/or subcategories listed above. For example, if requesting funds to purchase trail building hand tools for routine maintenance, the “Item” would be “Trail Building Hand Tools” and the “Description” should include “Routine maintenance of trail and/or structures by volunteers - re-grading and/or de-berming native surface trail; maintaining, repairing or replacing drainage structures.”

Match:

- ALL match items (in-kind and force account) must reference a specific deliverable #.

GUIDANCE FOR REQUIRED MAPS

Maps are a vital part of the application process. These will be used both in the evaluation of the project and in the environmental review process. All maps should be sized to an 8½" × 11" page.

Overview map:

All projects must include an overview map that clearly shows how the RTP-funded project fits into any larger trail/greenway system of planned and/or existing trails and facilities. The project that is submitted for RTP grant consideration shall be clearly delineated and defined.

Project specific map:

All projects must include a project specific map that clearly shows the location of the trail project. It should include both existing and planned trails, parking areas, roads, accesses, facilities and points of interest. Property lines should also be clearly indicated.

Project Specific Map(s) shall also show the deliverables to be accomplished as indicated above under **"GUIDANCE FOR FORMATTING DELIVERABLES AND MATCH"**.

- Deliverables Included in Category (a) shall be mapped in general (show which specific linear feet of specific trails will receive routine maintenance).
- The **specific** location of deliverables Included in ALL OTHER Categories (b. - f.) shall be mapped to aid in environmental reviews.
- Map shall note which deliverables will be contracted out.
- Map shall note which deliverables will be completed in-house.
- Map shall note which deliverables will be accomplished with requested tools, materials, and/or equipment rental.

Environmental topographic map:

All projects must also include a U.S. Geological Survey (USGS) topographic map (or map excerpt) showing the project area. The map must identify the USGS quadrangle that the project area is located.

NORTH CAROLINA - STATE RTP REQUIREMENTS

RTP Project Lands

North Carolina will award RTP grants to projects that are:

- On lands owned in fee simple or easements that are held in perpetuity by a governmental agency provided that the public is allowed use of the trail or facilities.
- On lands owned in fee simple or easements that are held in perpetuity by a non-profit organization provided that the public is allowed use of the trail or facilities.
- On lands that are leased by a governmental agency or non-profit organization for a minimum of 10 years.

***Note:** These are listed in priority order for evaluation and funding recommendations.*

Minimum Timeframe for Public Use

http://www.fhwa.dot.gov/environment/rectrails/rtp9908_pt2.htm#page42 states, "The RTP legislation does not require a minimum timeframe for a trail project to remain open to the public. Each State should establish a minimum timeframe appropriate for the type of trail use. Examples:

- A State may choose to invoke the Continuing Recreational Use provision of Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965. See Continuing Recreational Use.
- If a project is located on an easement or on leased land, the State should establish a minimum timeframe for the easement or lease. The project should remain open for public access for the use for which the funds were intended.

The Division of Parks and Recreation after consulting with the North Carolina Trails Committee have established the following minimum timeframe for public use:

Any trail project funded in part with RTP grant funds shall remain open to the public for a minimum period of 10 years. Should a RTP trail project be closed prior to 10 years of public use, without sufficient reason, the State reserves the right to seek repayment of RTP funds based on a 10% per year depreciation schedule; and, the grantee's grant performance will be used when evaluating future grant applications submitted.

REIMBURSEMENT GRANT PROGRAM

The GRANTEE must finance 100% of the project costs. All eligible, incurred and documented expenditures will be refunded to the grantee, up to 90% of the total **RTP award amount**. The last 10% will be withheld until the project is complete, all records submitted, and a final site inspection has been completed. When all requirements have been met, the final 10% will be reimbursed.

***Note:** You must complete at least one of your defined project deliverables in order to request any reimbursement.*

RTP GRANTS MANAGEMENT GUIDANCE

Guidance is provided in the following categories, *Recommendations* and *Requirements*. Recommendations are processes tested by time that help to alleviate clerical errors and facilitate the processing of grant contracts. Recommendations are strong suggestions, but are not requirements.

Requirements are mandates from internal and external divisions that describe the process for contract execution, funding reimbursements, timelines and other grant contract terms and activities. Requirements are non-negotiable and must be followed. Please do not hesitate to contact your Trails Specialists with any questions or concerns.

RECOMMENDATIONS

Managing funds:

Grants are structured on a reimbursement basis. Through the years we have found that the applicant's attention to the funding streams (cash outlay and reimbursement) prior to contract, results in a more organized project. Plotting out timelines, ensuring cash is available when needed, and that reimbursements are available within expected parameters is the responsibility of the applicant.

Staff is available to offer suggestions prior to contract. Ultimately though, the applicant will need to structure the contract deliverables and reimbursement requests to run in concert with applicant's financial needs. Generally speaking, applicants fare better to structure their deliverables and the corresponding reimbursements in blocks. Ten (10) percent of all contracts must be reserved until the completion of the project. Therefore a 30% -30% -30% -10% draw structure, or something similar is recommended. This keeps cash flowing in blocks and facilitates processing. Note, this is a recommendation. Other formats can be constructed due to the applicant's needs.

REQUIREMENTS

Legally Binding Contract

All Grant Contracts issued by the Department of Natural and Cultural Resources are legally binding. Failure to meet terms results in breach of contract.

Revisions to Application/Budget Amendments: Pre-Contract

The Federal Highway Administration has expressed concerns about the use of the “Budget Amendment Pre-Contract” document. Therefore, it has been mandated that all future contracts will be based on fully executed applications. This means that the entire application, with the revised terms, must be re-submitted before a contract will be issued by FSD.

In the guidance section *Managing Funds*, it was recommended that the applicant’s structure their deliverables to coincide with the needs for reimbursements. Special attention should be given to the structure of deliverables in the application before a contract is issued. The contract is a legally binding document. Therefore, once the terms are contracted, it is the applicant’s responsibility to perform the terms as they are stipulated in the contract. The following information regarding requirements should be considered prior to contract.

Pre-contract requirements:

1. Any application requiring changes prior to contract will have to be revised and resubmitted in total. This is a requirement of the Department of Natural & Cultural Resources to ensure uniformity of contract deliverables and terms.
2. Contracts will not be issued until a final approved grant application package has been received by the State Trails Program.

Reimbursements:

1. Deliverables must be structured in the application so that reimbursement requests relate to a completed deliverable and requisite (25%) match.
2. The entire deliverable must be completed prior to request for the deliverable reimbursement.
3. The match for the deliverable request for reimbursement must be documented.
4. Reimbursements for partially completed deliverable will not be processed.
5. Reimbursements for actions before contract execution and after the contract expiration date will not be processed.
6. Any deviation to the above Reimbursement Requirements must be submitted in writing to, and be approved by, the State Trails Program Head prior to the completion of the deliverable.

Contract Amendments:

Contract amendments and/or contract extensions may be requested. Note that all amendments or requests for extensions must be fully executed prior to the expiration of the grant contract.

CONSULTATION AND TECHNICAL ASSISTANCE

Your State Trails Program staff is ready to assist you in the development and/or review of your RTP Application. Please request our assistance.

A listing of staff can be found online at: <http://ncparks.gov/more-about-us/grants/trail-grants/contact-us>